

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551 FDS

Hon. F. Dennis Saylor IV

**DECLARATION OF ERIC PHUNG
IN SUPPORT OF DEFENDANT GOOGLE LLC'S
MOTIONS *IN LIMINE***

I, Eric Phung, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am an attorney at the law firm of Kecker, Van Nest & Peters LLP. I represent Defendant Google LLC, ("Google") in the above-captioned action.
2. Both parties in this case have produced documents after the close of fact discovery.
3. Attached hereto as **Exhibit 1** is a true and correct copy of an email thread dated November 2, 2010, marked as STX 876 and Bates numbered SINGULAR-00018281-82.
4. Attached hereto as **Exhibit 2** is a true and correct copy of an email thread dated February 9, 2012, marked as STX 277 and Bates numbered GOOG-SING-00028357-58.
5. Attached hereto as **Exhibit 3** is a true and correct copy of an email thread dated December 1, 2010, marked as STX 337 and Bates numbered GOOG-SING-00083457-68.
6. Attached hereto as **Exhibit 4** is a true and correct copy of an email thread dated February 25, 2011, marked as STX 890 and Bates numbered SINGULAR-00018392-95.

7. Attached hereto as **Exhibit 5** is a true and correct copy of an email thread dated April 14, 2011, marked as STX 353 and Bates numbered GOOG-SING-00083532-33.

8. Attached hereto as **Exhibit 6** is a true and correct copy of an email thread dated June 24, 2011, marked as STX 907 and Bates numbered SINGULAR-00026942.

9. Attached hereto as **Exhibit 7** is a true and correct copy of an email thread dated March 6, 2011, marked as STX 346 and Bates numbered GOOG-SING-00083496-99.

10. Attached hereto as **Exhibit 8** is a true and correct copy of an email thread dated November 8, 2010, marked as STX 336 and Bates numbered GOOG-SING-00083453-56.

11. Attached hereto as **Exhibit 9** is a true and correct copy of an email thread dated June 23, 2011, marked as STX 368 and Bates numbered GOOG-SING-00083650-53.

12. Attached hereto as **Exhibit 10** is a true and correct copy of an email thread dated June 27, 2011, marked as STX 565 and Bates numbered GOOG-SING-00241421-24.

13. Attached hereto as **Exhibit 11** is a true and correct copy of a document titled, “Computing 10,000x More Efficiently, marked as STX 830 and Bates numbered SINGULAR-00004970-84.

14. Attached hereto as **Exhibit 12** is a true and correct copy of an email correspondence dated September 11, 2013, marked as STX 582 and Bates numbered GOOG-SING-00242356-62.

15. Attached hereto as **Exhibit 13** is a true and correct copy of an email correspondence dated September 23, 2013, marked as STX 282 and Bates numbered GOOG-SING-00029804-05.

16. Attached hereto as **Exhibit 14** is a true and correct copy of an email correspondence dated January 31, 2014, marked as STX 289 and Bates numbered GOOG-SING-00032398-99.

17. Attached hereto as **Exhibit 15** is a true and correct copy of an email correspondence dated January 23, 2014, marked as STX 866 and Bates numbered SINGULAR-00018236-37.

18. Attached hereto as **Exhibit 16** is a true and correct copy of an email correspondence dated January 24, 2014, marked as STX 287 and Bates numbered GOOG-SING-00032375.

19. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from the deposition of Joseph Bates, taken on July 20, 2021.

20. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the Expert Report of Philip Green, dated December 22, 2022.

21. Attached hereto as **Exhibit 19** is a true and correct copy of an email thread dated February 8, 2017, marked as STX484 and Bates numbered GOOG-SING-00209017.

22. Attached hereto as **Exhibit 20** is a true and correct copy of an email thread dated February 8, 2017 and Bates numbered GOOG-SING-00242399-404.

23. Attached hereto as **Exhibit 21** is a true and correct copy of the Judgement Final Written Decision in *Google LLC v. Singular Computing LLC*, IPR2021-00179 for Patent 8,407,273 B2, dated May 11, 2022.

24. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts from the Expert Report of Sunil P. Khatri, PhD, dated December 22, 2022.

25. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts from the deposition of Catherine Tornabene, dated April 29, 2021.

26. Attached hereto as **Exhibit 24** is a true and correct copy of excerpts from the deposition of Jeffrey Dean, dated July 21, 2021.

27. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from the deposition of Obi Felten, dated May 28, 2021.

28. Attached hereto as **Exhibit 26** is a true and correct copy of an article titled, “Google to buy cloud software company Apigee for \$625 million,” marked as STX 659.

29. Attached hereto as **Exhibit 27** is a true and correct copy of an article titled, “Google acquires Toronto University startup focused on neural networks,” marked as STX 677.

30. Attached hereto as **Exhibit 28** is a true and correct copy of an article titled, “Google acquisition of Looker to boost Google Cloud analytics,” marked as STX 678.

31. Attached hereto as **Exhibit 29** is a true and correct copy of an article titled, “Google just bought a startup that specializes in ‘instant object recognition’,” marked as STX 688.

32. Attached hereto as **Exhibit 30** is a true and correct copy of an article titled, “Google buys UK artificial intelligence startup Deepmind for £400m,” marked as STX 689.

33. Attached hereto as **Exhibit 31** is a true and correct copy of an article titled, “Google Scoops Up Neural Networks Startup DNNresearch to Boost Its Voice and Image Search Tech,” marked as STX 699.

34. Attached hereto as **Exhibit 32** is a true and correct copy of a press release, titled “Google to Acquire Looker,” marked as STX 700.

35. Attached hereto as **Exhibit 33** is a true and correct copy of a Google Europe Blog, “Teaming up with Oxford University on Artificial Intelligence,” marked as STX 715.

36. Attached hereto as **Exhibit 34** is a true and correct copy of excerpts from the Rebuttal Expert Report of Sunil P. Khatri, PhD. on the Validity of the Asserted Claims, dated March 3, 2023.

37. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts from the deposition of Dr. Sunil Khatri, taken on March 24, 2023.

38. Attached hereto as **Exhibit 36** is a true and correct copy of excerpt of a document titled, “Library of Parameterized Hardware Modules for Floating-Point Arithmetic with An Example Application,” marked as DTX1260 and Bates numbered GOOG-SING-00020062.

39. Attached hereto as **Exhibit 37** is a true and correct copy of a document dated September 17, 2013, marked as STX 834 and Bates numbered SINGULAR-00006867

40. Attached hereto as **Exhibit 38** is a true and correct copy of a document dated January 24, 2014, marked as STX 835 and Bates numbered SINGULAR-00006870.

41. Attached hereto as **Exhibit 39** is a true and correct copy of a document dated November 3, 2010, marked as STX 843 and Bates numbered SINGULAR-00012519-45.

42. Attached hereto as **Exhibit 40** is a true and correct copy of an article titled, “Express Route to Learning Fashioned for Precocious,” marked as STX 671.

43. Attached hereto as **Exhibit 41** is a true and correct copy of a document titled, “45 Year Study Reveals What it Takes to Raise Highly Intelligent Children,” marked as STX 651.

44. Attached hereto as **Exhibit 42** is a true and correct copy of an article titled, “Nurturing Geniis,” marked as STX 2009 and Bates numbered SINGULAR-00015244-51.

45. Attached hereto as **Exhibit 43** is a true and correct copy of a document titled, “Off Topic 064,” marked as STX 2012 and Bates numbered SINGULAR-00022607-17.

46. Attached hereto as **Exhibit 44** is a true and correct copy of excerpts from the deposition of James Laudon, taken on July 15, 2021.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on December 5, 2023 in San Francisco, California.



Eric Phung

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed